- In the UNITED STATES District Court
For the WESTERN District: New York *
LUIS URDANETA,

Plaintiff,

COMPLAINT

v.

DALE ARTUS, Superintendent,
Gowanda Correctional Facility;
Mr. KELLEHER, ASAT Correctional
Counselor,

Defendant's/Respondent's

Civil Action No.

MAR 2 8 2011

I. Complaint:

Plaintiff LUIS URDANETA, for his complaint states as follows:

That on the 30th day of August, 2010 while participating in the A.S.A.T. program, (BN-3) Plaintiff attempted to open some windows to allow some air in the stuffy Day Room of BN-3, Mr. Kelleher, an ASAT Counselor, became quit upset and hostile with Plaintiff; Mr. Kelleher started to 'scream' at Plaintiff and called him over to where he was standing 'next to the Chalk Board'; Mr. Kelleher continued to scream at Plaintiff and bacame louder, threatened Plaintiff, and eventually pushed Plaintiff up against the Chalk Board, subsiquently sending Plaintiff out to the Unit Hallway for 45 minutes respectfully, than called Plaintiff to the Officer's Station where he had Plaintiff sign a 'Counsel and Reprimand Form.

II. Parties, Jurisdiction and Venue:

- 1) Plaintiff LUIS URDANETA, was confined in a State Correctional facility, at Gowanda Correctional Facility, located in the Town of Gowanda, South Rd., P.O. Box 311, County of Erie, in the State of New York, where, at the time of said assault and at the time of filing this complaint, is confined.
- 2) Plaintiff LUIS URDANETA, is, and was at all times mentioned herein, an adult citizen of the United States and a resident of Syracuse, New York prior to his incarceration.
- 3) Defendant DALE ARTUS was atall relevat times herein Superintendent of Gowanda Correctional Facility.

- 4) Defendant, Mr. KELLEHER, was at all relevant times herein an A.S.A.T Correctional Counselor.
- employed/assigned as Superintendent of Gowanda Correctional Facility under the exclusive authority of the Department of Correctional Services of the State of New York; Second Defendant: Mr. KELLEHER, is employed by the Department of Correctional Services and was at all relevent times assigned as an A.S.A.T Correctional Counselor at the Gowanda Correctional Facility.
- 6) This action arises under and is brought pursuant to 42 U.S.C. § 1983 to remedy deprivation under color of State Law, of rights guaranteed by the Eigth and Fourteenth Amendments, U.S.C.A. Const. mends, 6th and 14th, and New York Const. Art. I § 5.
- 7) Plaintiff's claims for injunctive relief are authorized by Rule 65 of the Federal Rules of Civil Procedure.
- 8) This cause of action arose in the Western District of New York State. Therefore, venue is proper under 28 U.S.C. § 1391(b).
- 9) Plaintiff has filed no other lawsuits dealing with the same facts involved in this action or otherwise related to his imprisonment.
- 10) Plaintiff filed a Grievance in respect to the claim(s) herein in a timely fashion (GWD-11113-10 [dated 8/31/10]), the Inmate Grievance Committee, filed said Grievance, under Code 49 to the Superintendent of Gowanda Correctional Facility; On September 9, 2010, Defendant: Superintendent Dale Artus after review and investigation , Affirmed Plaintiff/Grievant's complaint of assault and battery (Exhibit "C"), upon reveiw of the Superintendent's decision, Plaintiif was going to finalize

and exhaust his Administrative remedies, by filing an Appeal to C.O.R.C. for further review and action; However, Plaintiff was informed by Inmate Grievance Committee (IGRC) that it would not be necessary to do so as the Superintendent's decision was bunding, thus, Plaintiff belives he has 'exhausted all possible Administrative remedies'.

- 11) At all relevant times herein Defendant's were 'persons' for purpose of 42 U.S.C. § 1983 and acted under color of law to deprive Plaintiff of his Federal rights as set forth below.
 - 12) STATEMENT OF FACTS:
- That on the 30th day of August, approximantly 12:50 PM respectfully, while participating in the A.S.A.T. Program., Plaintiff attempted to open a couple of windows in the Day Room of B-N Tower, 3rd Floor wher the A.S.A.T. program was and is held, upon attempting to do so, Correctional Counselor Mr. Kelleher started to screem at Plaintiff, Kelleher, C.C. (Defendant herein) called Plaintiff over to him mext to the Chalk Board, continued screaming at Plaintiff that he was interrupting the class, Plaintiff attempted to explain that he was only opening a couple of windows, as some of the other Inmates were sick, Mr. Kelleher, eruptly interrupted Plaintiff and stated "I don't care" and pushed Plaintiff into the 'chalk board', causing Plaintiff to strick his head aginst the chalk board causing substanial pain and possible internal injury , Plaintiff has since had recurring headaches and visual problems and has required medical treatment from the Facility Medical Staff. Plaintiff was than sent to the hallway of BN-3, making

him wait approximately 45 minutes, than called him to the Officres Station to sign a 'Counsel and Notice Form'.

- b) Plaintiff signed said form, attempting, once again, to explain that he was only opening a couple of windows to let some fresh air in, as some of the other inmates were sick and coughing, again, and in a harsh and excessively loud and angered vioce Mr. Kelleher informed Plaintiff that "I told you, I don't want to hear it".
- c) Plaintiff filed a Grievance (GWD-11113-10) on the date of said incident with the Facility IGRC (Exhibit "A" [Translated version Exhibit "B"]).
- d) The Facility IGRC, on August 31, 2010, forwarded said grievance to the Superintendent under Class Code 49 for his determination .
- e) After review and investigation, Superintendent DALE ARTUS, filed his decision, dated September 9, 2010, affirming Plaintiff's claim, noting that 'appropriate Administrative actions have been taken in this matter (Exhibit "C").
- On September 13, 2010, Plaintiff, seeking to Appeal f) Superintendent's decision to the extent o f information as to what was involved in 'appropriate Administrative actions', the IGRC informed Plaintiff that an Appeal to CORC was not necessary as the Superintendent's decision was binding (supra).
- g) Plaintiff being unlettered decided to seek assistance from an attorney but is unable to afford one, in stead sought assistance from the Facility Law library, and found it necessary to file the herein action pursuan to 42 U.S.C. § 1983 for an injuction and for compensatory damages and for fear of

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REQUEST FOR JUDICIAL INTERVENTION

Western Dist COURT, Frie	COUNTY		For Clerk Only
INDEX NO DATE PURCHAS	ED:		
PLAINTIFF(S):			
			IAS entry date
LUIS URDANETA			IAS entry date
DEFENDANT(S):			
MR. KELLHER, Correctional Counselor;			Judge Assigned
DALE ARTUS, Superintendent Gowanda Cor	rewctional		
Facility, et.al.,	LCWCCIOIDI	44	
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			RJI Date
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Date issue joined:Bill of pa	articulars serve	d (X /N): []Yes	K] No
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[] Request for preliminary conference	1.	Notice of petition Relief sought	(return date:)
[] Note of issue and/or certificate of			
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[] Notice of motion (return date:)		
Relief sought] Statement of net wo	rth
[] Order to show cause] Writ of habeas corp	ous
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and the second second	(S) FOR PLAINTIFF(S):		
Self Rep. *	<u>Name</u>	Address	Phone #
	None yet assigned		
TORNEY	(s) FOR DEFENDANT(S):		
Self Rep. *	<u>Name</u>	<u>Address</u>	Phone #
	Hon. ANDREW CUOMO, Attorney General State of New York	Department of Law, The Capitol	
	State of New York	Albany, New York 12226	n/a
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FORM 2133 (REV. 6/06)

STATE OF NEW YORK DEPARTMENT OF	GRIEVANCE NO. GWD-11113-10	DATE FILED 8/31/10
CORRECTIONAL SERVICES	FACILITY GOWANDA CORRECTIONAL FACILITY	POLICY DESIGNATION Institutional
INMATE GRIEVANCE PROGRAM	TITLE OF GRIEVANCE Pushed by ASAT CC	CLASS CODE 49
SUPERINTENDENT	SUPERINTENDENT'S SIGNATURE	9/9/10
Grievant Urdaneta, Luis	08B1549	Housing Unit BN3-06B

The grievant alleges that ASAT CC Kelleher pushed him during an ASAT class. The grievant named 17 inmates and ASAT PA Sword as witnesses.

Inmate Urdaneta was interviewed by ASAT SCC Dzierba and Sgt. Militello. He restated his allegations as in the grievance. SCC Dzierba randomly chose six of the 17 inmate witnesses and interviewed them. They all basically affirmed the grievant's statement. Additional investigative techniques were used to ensure a complete and thorough investigation into this matter.

Based on this investigation, appropriate administrative actions have been taken in this matter.

APPEAL STATEMENT If you wish to refer the above decision of the Superinter dent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal.* Please state why you are appealing this decision to C.O.R.C.								
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GRIEVANT'S SIGNATURE		:	· . ·				DATE	
GRIEVANCE CLERK'S SIGNAT	URE		5			· · · · · · · · · · · · · · · · · · ·	DATE	
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^{*} An exception to the time limit may be requested under Directive #4040, section 701.6(g).

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Has	summons been served?	□ Yes, Date	
Was	a Notice of No Necessity filed? UNO		
TORNEY (S) FOR PLAINTIFF(S):	□ Yes, Date	
Self	Name		
Rep. *		<u>Address</u>	Phone #
	None yet assigned		
TO 7327744			
Self	S) FOR DEFENDANT(S):		
Rep. *	<u>Name</u>	Address	Phone #
	Hon. ANDREW CUOMO, Attorney General State of New York	Department of Law, The Capito	
		Albany, New York 12226	n/a
elf Repr	esented: parties representing themselves		
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LUIS Urdaneta, Claimant (PRINT OR TYPE NAME)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

CTRANSLATED) Grievance No. GWD-1113-10 GWD-1113-10 CORRECTIONAL FACILITY Date 8/30/10 Name URDANETA, LUIS Dept.No. 08R1549 Housing Unit BN3-CLB Program AM PM
Date <u>8/30/10</u> Name <u>URDANETA</u> , LUIS <u>Dept.No. 08R1549</u> Housing Unit <u>BN3-04B</u>
Date <u>8/30/10</u> Name <u>URDANETA</u> , LUIS <u>Dept.No. 08R1549</u> Housing Unit <u>BN3-04B</u>
Name URDANETA, LUIS Dept.No. 08R1549 Housing Unit BN3-06B
andre produce de la compaction de la compa
Program AM PM
(Please Print or Type - This form must be filed within 21 calendar days of Grievance Incident)*
Description of Problem: (Please make as brief as possible) <u>SCREAMED AT ME, AND</u>
THREATENED ME, AND PUSHED ME, AGAINST THE BOARD.
AFTER THAT HE MADE ME GO OUT TO THE HALLWAY FOR
45 MINUTES, AND MADE ME SIGN A COUNSELING
REPRIMAND.
Grievant Signature SEE ATTACHED
Grievance Clerk L. Swisk: IGP 5UPV. Date: 8/31/10
Advisor Requested YES NO Who:
Action requested by inmate: CONDUCT THAT HE HAS WITH ALL OF THE
MEMBERS OF THIS PROGRAM. HE CAN'T WORK IN THIS
KIND OF PROGRAM.
This Grievance has been informally resolved as follows:
This Informal Resolution is accepted: (To be completed only if resolved prior to hearing)
Grievant Signature Date:

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

^{*}An exception to the time limit may be requested under Directive #4040, section 701.6(a).

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

FORM 2131E (REV. 6/06)	INMATE GRIEVANCE COMPLAINT	EHVICES
	(TRANSLATED)	Grievance No.
GOWAN	CORRECTIONAL FACI	ILITY PG.
() 0 > 1 / 1 / 1		Date 8/30/10
Name URBANEIA,	LUIS Dept.No. 08B1549H	ousing Unit $BN3406B$
	Program	· AMP
(Please Print or Type - Th	his form must be filed within 21 calendar days	of Grievance Incident)*
Description of Problem: (Please m	nake as brief as possible) ON THE D	44 OF 8/30/10. IN
THE ASAI PROGRA	AM, MR. KELLEHER WAS	SMAD ATME
BECAUSE HESAI	DTHAT L WAS INTERR	UPTING THE CLASS.
BECAUSE I WEN	IT TO OPEN SOME WIND	OWS BECAUSE MOST
OF THE INMATES.	ARE SICK. MR. KELLEHE	-R STARTED TO
SCREAM AT ME WI	HEN I WENT TO OPEN	THE WINDOWS.
THEN HE CALLED	ME TO THE FRONT OF	THE BOARD, AND
Grievant Signature <u>SEE</u> A	TTACHED	
Grievance Clerk	Sarius : IGP SUPV. Date: _	8/31/10
dvisor Requested YES	NO Who:	
ction requested by inmate:	FEEL THREATENED BE	CAUSE I'M
ALMOST FINISHED	WITH THE PROGRAM.	L'DLIKE TO SEE
IF THIS INCIDENT	CAN BE INVESTIGATED,	FOR MR. KELLEHER
his Grievance has been informally	resolved as follows:	
his Informal Resolution is accepted To be completed only if resolved pr		
Grievant Signature		
		Date:

Exhibit "B"

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

^{*}An exception to the time limit may be requested under Directive #4040, section 701.6(g).

el programa por parame y abrir las ventaras ya que persones
Name LUIS Urdenera Dept. No. 0881549 Housing Unit BN-3068 Program AM QSOT Pro
Name LUIS Urdenera Dept. No. 088 1549 Housing Unit BN-3068 Program
Please Print or Type - This form must be filed within 21 calender days of Grievance Incident? Description of Problem: (Please make as brief as possible) Drante del dia de hay en el program de asat, el Mr. Kelletler se molasio diciendo que yo estaba haciado y intermisendo el programa por prome y drir los Denimos yo que pasones estan entermas y Tociendo el ampero a gritar po ma para por que el ma lomo y trenta a la pizara empero a gritarma emprovama y luego vino y ma dio un remojon contra la pizara luego de eso ma para a el pasillo por 45 minutos y me dio a tirmar una conselar reprement. Grievant Signatura huis udenta. Grievance Cterk Manda (CP SUPV. Date: 8/31/10) Advisor Requested Dy yes NO Who: Action requested by inmate: yo me sieño omenarado ya que yo estay por terminar y me gostaria que tuera investigado por la canducta que viena con los miembros de esta tragrama el no esta a con los miembros de esta tragrama el no esta a con los miembros de esta tragrama el no esta a con los miembros de esta tragrama el no esta a con los miembros de esta tragrama el no esta a con los miembros de esta tragrama el no esta a con los miembros de esta tragrama el no esta a con los miembros de esta tragrama el no esta a con los miembros de esta tragrama el no esta a con los membros de esta programa el no esta a con los membros de esta programa el no esta a con los membros de esta programa el no esta a con los membros de esta programa el no esta a con los membros de esta programa el no esta a con los membros de esta programa el no esta a con los membros de esta programa el no esta a con los membros de esta programa el no esta a con los programas el no esta a con los membros de esta programa el no esta a con los membros de esta el con esta el
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Action requested by inmate: yo me sierro amerado ya que yo estay por ferminar y me gos jordas que formando que forma el no esta que forma de sono programo el no esta que forma de sono por o o o en dar programa de sono que forma el no esta que forma de sono por o o en dar programa de sono que forma el no esta que forma
ono y trena a la pizara empero a gritama emprosama y luego VID y ma dio un removios contra la pizara luego de eso Ma para en el Pasillo por 45 minulos, ma dio o Firmar una consela reprenend. Grievant Signatura huis udenta Grievance etert mino (GP SUPV. Date: 8/31/10) Advisor Requested y YES NO Who: Action requested by inmate: 40 ma sieño omenarado ya que yo esily por terminar y ma gustaria que tuera investigado por la conducta que Viena con los mientros de esta trograma el no esta acto para otendar programa de esta clase
Me para en al posillo por 45 minoros y me dio a Firmar una conselar repremend. Grievant Signatura hurs udanta Grievance Cterk Minoros (GP SUPV. Date: 8/31/10) Advisor Requested (YES (NO Who: Action requested by inmate: 40 me sieño amenarado ya que yo estay por terminar y me gostaria que Frega investigado por la conducta que Viena con los miembros de esta programa el no esta acro para acro para acros para clasa.
Ma poro en al Posillo por 45 minulos y me do a Firmar una conselar represend. Grievant Signatura hulò udanza Grievance eterk minulo: IGP SUPV. Date: 8/31/10 Advisor Requested YES NO Who: Action requested by inmate: yo me sieño omenazado ya que yo estay por terminar y me gustaria que Fuera investigado por la conducta que Tiena con las miembras de esta programa el no esta acro por oriendar programas de esta clase.
Grievant Signature hulb uden de Grievance Cterk Grievance Cterk Must CGP SUPV. Date: 8/31/10 Advisor Requested YES NO Who: Action requested by inmate: yo me signo omenated yo que yo estay for ferminar y me gostaria que Fuera investigado por la conducte que Viena con las miembros de esta fragrama el no esta acro foro foro ovender programa de esta clase.
Action requested YES NO Who: Action requested by inmate: yo me siento comenarado ya que yo estay por terminar y me gustaria que Fuera investigado por la conducta que Tiena con las miembros de esta Aparama el no esta acto por para otro por a conducta que Tiena con las miembros de esta Aparama el no esta
Advisor Requested YES NO Who: Action requested by inmate: yo me Sieño omenazado ya que yo estay por Terminar y me gustaria que Fuera investigado por la conducta que Viena con los miembros de esta programa el no esta acto para atendar programas de esta clase
Action requested by inmate: yo me sieño omenarado ya que yo estay por terminar y me gustaria que Fuera investigado por la conducta que Viena con las miembros de esta programa el no esta acro para atra al ser a close
Terminar y me gustaria que Fuera investigado por la conducta que Viera con los miembros de esta Programa el no esta acro para atendar programas de esta clase
que Viena con los mientros de esta trograma el no esta acro para otendar programas de esta close
que Viena con los mientros de esta trograma el no esta acro para otendar programas de esta close
acto poro otender programas de 250 clase
This Grievance has been informally resolved as follows:
This Informal Resolution is accepted:
(To be completed only if resolved prior to hearing)
Grievant
SignatureDate:
Exhibit "A" if unresolved, you are entitled to a hearing by the inmate Grievance Figuration Committee (IGRC).

reprisals from other Staff Members.

- 13) PRAYER FOR RELIEF
- a) Plaintiff request an Order declaring that the Defendant(s) have acted in violation of the United States Constitution.
- b) Plaintiff request for an injuction compelling Defendant(s) to provide better screening of their employees, assurance that incidents herein complained of do not re-accure to Plaintiff or other inmates.
- c) Plaintiff further request One Hundred (\$150,000.00) fifty thousand dollars as compensatory damages.

Luis urdanesa

Luis Urdaneta, Plaintiff

SWORN TO BEFORE ME THIS

& DAY OF More 2011

NOTAR PUBLIC

Case 1:11-cv-00271-LGF Doo	ument 1 Filed 03/28/11 Page 13	3 of 16
1 *Other Mental Hygiene -MHYG		
*Other Special Proceeding -OSP		
neck "YES" or "NO" for each of the following quest		
s this action/proceeding against a	lons:	
ES NO	ES NO Fublic Authority:	
NO X Does this action/proceeding seek equitable Does this action/proceeding seek recovery X Does this action/proceeding seek recovery	(Specify).
ce-Note Time Frames: This applies to all cases except contested matrimor	rial and tax certionary	
stimated time period for case to be ready for tria: **Expedited: 0-8 months	(from filing of DIT has file	
X Expedited: 0-8 months O Standard: 9-12 m		
entested Matrimonial Cases Only: (Check and give da	onths Complex: 13-15 month	າຮ
Has summons been served?		
Was a Notice of No Necessity filed? ONO	O Yes, Date	
TORNEY(S) FOR PLAINTIFF(S):	□ Yes, Date	
Self Name		
None yet assigned	Address	Phone #
The feet thought		
TORNEY(S) FOR DEFENDANT(S):		
Self Name	Address	Phone #
Hon. ANDREW CUOMO, Attorney General	Department of Law, The Capito	
ISTATO OF Many 11		4
State of New York	Albany, New York 12226	n/a
elf Represented	Albany, New York 12226	n/a
elf Represented: parties representing themselves, and enter their name, address, and phone # in the special surance Cappage.	Albany, New York 12226	n/a
elf Represented	Albany, New York 12226	n/a
elf Represented: parties representing themselves, and enter their name, address, and phone # in the spanning themselves. SURANCE CARRIERS: None LATED CASES: (IF NONE, write "NONE" below)	Albany, New York 12226	n/a
elf Represented: parties representing themselves, and enter their name, address, and phone # in the spanning themselves. SURANCE CARRIERS: None	Albany, New York 12226	n/a the "Self Rep." box
elf Represented: parties representing themselves, and enter their name, address, and phone # in the spanning themselves. SURANCE CARRIERS: None LATED CASES: (IF NONE, write "NONE" below)	Albany, New York 12226 without an attorney, should check ace provided above for attorneys. Nature of Relations	n/a the "Self Rep." box

LUIS Urdaneta, Claimant (PRINT OR TYPE NAME)

FORM 2131E (REV. 6/06)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES INMATE GRIEVANCE COMPLAINT

(TRANSLATED) Grievance No. GWD-11/13-10
GOWANDA CORRECTIONAL FACILITY PG.
Date 8/20/10
Name ORDANETA, LUIS Dept.No. 0881549Housing Unit_BN3-068
Program AM F
(Please Print or Type - This form must be filed within 21 calendar days of Grievance Incident)*
Description of Problem: (Please make as brief as possible) ON THE DAY OF 8/30/10, IN
THE ASAT PROGRAM, MR. KELLEHER WAS MAD AT ME
BECAUSE HESAID THAT I WAS INTERRUPTING THE CLASS.
BECAUSE I WENT TO OPEN SOME WINNOWS BECAUSE MOS
OF THE HAMATTER AND CLOSE AND WELL THE
CCDEAN = 145 145 T
THEN HE CALLED ME TO THE FRONT OF THE BOARD AND
Grievant Signature SEE ATTACHED
Grievance Clerk Janus 16P SUP 1. Date: 8/31/10
Advisor Requested YES NO Who:
Action requested by inmate: FEET THOE ATENIEN RECAUSE T)
11.10 - 11.10 - 11.10 PECAUSE I M
ALMOST FINISHED WITH THE PROGRAM. L'D LIKE TO SEE
IF THIS INCIDENT CAN BE INVESTIGATED, FOR MR. KELLEHE
This Grievance has been informally resolved as follows:
This Informal Resolution is accepted: (To be completed only if resolved prior to hearing)
The second of th
Grievant Signature
Date:
Exhibit "B" If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

*An exception to the time limit may be requested under Directive #4040, section 701.6(a).

FORM 2131E (REV. 6/06)		- DEPARTMENT OF CORRECTIONAL GRIEVANCE COMPLAIN		
	(OPIGINA)	SPANISH VER	SI(W) Grievance No. GWD-1113-1	0
- GOW	ANDA	CORRECTIONAL FA	COLLITY Date 8 30110	٠.
Name LUIS UVO	Janeta	Dept.No. <u>08B1549</u>	Housing Unit BN-306.	$\overline{\mathcal{B}}$
		Program	AM QSOT	/
(Please Print or T	ype - This form must	be filed within 21 calendar da	ys of Grievance Incident)*	• .
Resolution of Problem: (F	Please make as brief a	s possible) Durante del a	dio de hay en el pros	¥Ω
up of Diocesso De	re molesto d	iciendo que yo e	vaz do des bazavas ziepo puciendo divias	S
ston entermos y loc	iendo el ono	$\frac{1}{2}$	ue face for dor of c	<u>}</u>
ono y Frenza a la	Disono en	pero a grilame	emprozome y lues	0
The dio o	u removia	contra la Dir	ara luego de es	
conselor represend.	Posillo por	45 minulos y	me dio a Firmor un	10
Grievant Signatura	& udanta		······································	
Grievence Clerk 5UPV. Advisor Requested	YES NO	GP 50PV. Date: 	8/31/10	
Action requested by inmate	: Va me sigh		0 05/0: >>	
Toconina	siona que	FURCE INVESTI	godo Dor la condu	2
0000	miembros	de esta proc	rama el no esta	
This Grievance has been in	or ender the formally resolved as formally	Programas de	esta close.	
				-
				
This Informal Resolution is a	accepted: solved prior to hearing) •		
Grievant				
Signature			Date:	
If unresolved, you are entitle	ed to a hearing by the	Inmate Grievance Trescrition	Exhibit "A" Committee (IGRC).	

FORM 2133 (REV. 6/06)

	STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES
INMATE	GRIEVANCE PROGRAM

RVICES

SUPERINTENDENT							
Grievant							
	Urdaneta, Luis						

GRIEVANCE NO. GWD-11113-10	DATE FILED 8/31/10					
FACILITY GOWANDA CORRECTIONAL FACILITY	POLICY DESIGNATION Institutional					
TITLE OF GRIEVANCE Pushed by ASAT CC	CLASS CODE 49					
SUPERINTEMOENTS SIGNATURE	9/9/10					
08B1549	Housing Unit BN3-06B					

The grievant alleges that ASAT CC Kelleher pushed him during an ASAT class. The grievant named 17 inmates and ASAT PA Sword as witnesses.

Inmate Urdaneta was interviewed by ASAT SCC Dzierba and Sgt. Militello. He restated his allegations as in the grievance. SCC Dzierba randomly chose six of the 17 inmate witnesses and interviewed them. They all basically affirmed the grievant's statement. Additional investigative techniques were used to ensure a complete and thorough investigation into this matter.

Based on this investigation, appropriate administrative actions have been taken in this matter.

If you wish to refer the above decision of the Clerk. You have seven (7) calendar days fr this decision to C.O.R.C.	e Superi om rece	ntendar	AL STATE nt please nis notice	o oian	below a	nd retu ppeal.*	rn this o	copy to your	Inmate ou are a	Grievance appealing
				· · ·		· · · · · · · · · · · · · · · · · · ·				
	<u> </u>					·				
GRIEVANT'S SIGNATURE								DATE		
GRIEVANCE CLERK'S SIGNATURE	E		e) .				· .	DATE		· ————

Exhibit "כ"

^{*} An exception to the time limit may be requested under Directive #4040, section 701.6(g).